THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.8369/2005

and

WPMP No.30731/2005 & WPMP(SR)22744/2005

D.Mallesh ..Petitioner

V.

1.The Deputy Registrar of Co-operative Societies, Officer on Special Duty, The Vasavi Co-op. Urban Bank Limited, Malakpet, Hyderabad, Andhra Pradesh and others. ..Respondents.

THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.8369/2005

and

WPMP No.30731/2005 & WPMP(SR)22744/2005

ORAL ORDER

This writ petition is filed seeking a writ of Mandamus directing the respondents not to confirm the auction held on 16-3-2005 till the delivery of Judgment in W.P.No.9988/2004 and batch.

This court disposed of W.P. No.9988/2004 and batch dt. 5-7-5005 holding that recoveries excess Rs. 10 lakhs have to be made only through the Debt Recovery Tribunal but not under the A.P. Cooperative Societies Act. Aggrieved by the said judgment, M/s. Prudential Co-op. Bank Limited carried the matter in appeal to the Supreme Court in Civil Appeal No.6069/2005. The Supreme Court by order dt. 8-12-2005 not only stayed the operation of the Full Bench judgment of this court but also prosecution. It also observed that the order shall not prevent the Banks to enter into a settlement with the debtors in accordance with law.

In view of the same, practically, the writ petition has become infructuous.

The writ petition is accordingly dismissed. No costs.

Now the petitioner filed WPMPs (1) for impleadment of one J.Anuradaha, who is the successful bidder in the auction, as fourth respondent in the writ petition; and (2) for substitution of the prayer viz., to declare auction dt.22-6-2004 and subsequent proceedings as illegal. Except filing affidavit bringing factual aspects and subsequent events after filing of the writ petition, no worth mentioning grounds are mentioned. In view of dismissal of the main writ petition, no purpose would be served in keeping both the petitions pending. Therefore, they are dismissed.

The petitioner is at liberty to avail the remedies as are

available to her to question the auction conducted before the appropriate forum.

6-4-2006

kmr